

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MIGUEL ANGEL DIAZ	:	
	:	
Petitioner,	:	CIVIL ACTION NO.02-4454
	:	
vs.	:	
	:	
JOHN ASHCROFT, ATTORNEY	:	
GENERAL OF THE UNITED STATES,	:	
EDWARD MCELROY, NEW YORK	:	
DISTRICT DIRECTOR FOR	:	
IMMIGRATION AND NATURALIZATION	:	
SERVICE, KENNETH ELWOOD,	:	
PHILADELPHIA, PENNSYLVANIA	:	
DISTRICT DIRECTOR FOR	:	
IMMIGRATION & NATURALIZATION	:	
SERVICE, IMMIGRATION AND	:	
NATURALIZATION SERVICE	:	
	:	
Respondents.	:	

Attachments to Government's Response to Petition for Writ of
Habeas Corpus

PRAECIPE TO FILE ATTACHMENTS

TO THE CLERK
United States District Court

Kindly file with the Court the hard copy attachments to
Government's Answer to Complaint with Certificate of Service by
John Ashcroft (res), Kenneth Elwood (res), Immigration and
Naturalization Service (res), Edward McElroy (res). (Britt,
Stephen), (Document Number 3) which was electronically filed on
July 23, 2002. The original attachments are this day being hand
delivered to the Clerk's Office.

CERTIFICATE OF SERVICE

I hereby certify that on this date I caused a true and correct copy of the foregoing to be served by first-class United States mail, postage prepaid, upon the following:

Jorge Guttlein, Esquire
Aranda & Guttlein
291 Broadway
Suite 1500
New York, New York 10007

/S/
STEPHEN J. BRITT
Assistant United States Attorney

Dated: July 23, 2002

ORDER TO SHOW CAUSE AND NOTICE OF HEARING
(ORDEN DE PRESENTAR MOTIVOS JUSTIFICANTES Y AVISO DE AUDIENCIA)

Deportation Proceedings under section 242 of the Immigration and Nationality Act.
(En los trámites de deportación a tenor de la sección 242 de la Ley de Inmigración y Nacionalidad.)

United States of America:
(Estados Unidos de América:)

File No. A 38013264
(No. de registro)

Dated September 4, 1996
(Fecha)

the matter of
(En el asunto de)
Address
(Dirección)

DIAZ-MEJIA, Miguel Angel; Inmate# W60919; PED: 07-08-99 (Respondent)
AKA'S: DAVIS, Miguel; DIAZ, Miguel; (Demandado)
c/o MCI Concord, P.O. Box 00, Concord, MA 01742

Telephone No. (Area Code)
(No. de teléfono y código de área)

OCT 15 1996
RECEIVED EOIR

Upon inquiry conducted by the Immigration and Naturalization Service, it is alleged that:
(Según las indagaciones realizadas por el Servicio de Inmigración y Naturalización, se alega que:)

You are not a citizen or national of the United States;
(Ud. no es ciudadano o nacional de los Estados Unidos;)

You are a native of Dominican Republic and a citizen of Dominican Republic;
(Ud. es nativo de) (y ciudadano de)

You entered the United States at or near New York, New York on or about June 16, 1983;
(Ud. entró a los Estados Unidos en o cerca de) (el día o hacia esa fecha)

At that time you entered as an immigrant;
(En ese momento, Ud. entró como Inmigrante;)

You were, on July 8, 1996, convicted in the Bristol Superior Court, New Bedford, Massachusetts, for the offense of Trafficking in Cocaine, in violation of Chapter 94C of the Massachusetts General Laws.
(Ud. resultó convicto el día 8 de Julio de 1996, en el Tribunal Bristol Superior, New Bedford, Massachusetts, por el delito de Traficando en Cocaína, en violación de Leyes General de Massachusetts, Chapter 94C.)

8/5/97

x1 4/17/97

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951000
U.S. Department of Justice
Immigration and Naturalization Service

Order to Show Cause and Notice of Hearing

NOTICE OF RIGHTS AND CONSEQUENCES

The Immigration and Naturalization Service believes that you are an alien not lawfully entitled to be in or to remain in the United States. Read this notice carefully and ask questions about anything in this notice you do not understand. This notice identifies your rights as an alien in deportation proceedings, and your obligations and the conditions with which you must comply in order to protect your eligibility to be considered for certain benefits.

Any statement you make before an Immigration Officer may be used against you in any immigration or administrative proceeding.

You may be represented, at no expense to the United States government, by an attorney or other individual who is authorized and qualified to represent persons in these proceedings. You will be given a list of organizations, attorneys and other persons who have indicated their availability to represent aliens in these proceedings. Some of these persons may represent you free of charge or for a nominal fee. You may also be represented by a friend, relative, or other person having a pre-existing relationship with you, provided his or her appearance is permitted by the immigration judge.

You will have a hearing before an immigration judge, scheduled no sooner than 14 days from the date you are served with this Order to Show Cause (unless you request in writing an earlier hearing date). The fourteen-day period is to allow you to seek an attorney or representative, if you desire to be represented. At your hearing, you will be given the opportunity to admit or deny any or all of the allegations in this Order to Show Cause, and whether you are deportable on the charges set forth herein. You will have an opportunity to present evidence and/or witnesses on your own behalf, to examine evidence presented by the government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the government. Any document that you present that is in a foreign language must be accompanied by a certified English translation. It is your responsibility to ensure that any witnesses you wish to present on your behalf be present at the hearing.

The immigration judge will advise you regarding relief from deportation for which you may be eligible. You will be given a reasonable opportunity to make an application for any such relief. If you are not satisfied with the decision of the immigration judge, you have the right to appeal. The immigration judge will provide you with your appeal rights.

AVISO DE DERECHOS Y CONSECUENCIAS

El Servicio de Inmigración y Naturalización opina que Ud. es un extranjero sin derecho legal a estar o permanecer en los Estados Unidos. Lea este aviso cuidadosamente y pregunte acerca de cualquier parte del mismo que no entienda. Este aviso le explica los derechos que tiene como extranjero en los trámites de deportación, y las obligaciones y condiciones que debe cumplir con el fin de proteger su derecho a que se le considere para recibir ciertos beneficios.

Las declaraciones que haga ante un funcionario del Servicio de Inmigración podrán usarse en su contra en cualquier trámite administrativo o de inmigración.

Ud. puede ser representado, sin costo alguno para el gobierno de los Estados Unidos, por un abogado o otra persona autorizada y calificada para representar personas en estos trámites. Ud. recibirá una lista de las entidades, abogados y demás personas dispuestas a representar a extranjeros en estos trámites. Algunas de esas personas pueden representarle gratuitamente o por honorarios nominales. También puede representarle un amigo, familiar o otra persona con la que tenga una relación establecida, siempre que el juez de inmigración permita su comparecencia.

Ud. tendrá una audiencia ante un juez de inmigración, fijada con un mínimo de 14 días a partir de la fecha que se le expide esta Orden (a menos que Ud. solicite por escrito una audiencia en plazo aún menor). El plazo de catorce días le permitirá conseguir los servicios de un abogado o representante, si lo desea. En la audiencia se le dará la oportunidad de admitir o negar cualquiera de los alegatos de esta Orden o todos ellos, y se le informará si está sujeto a deportación por los cargos expresados en la misma. Ud. tendrá la oportunidad de presentar pruebas y testigos a favor suyo, de examinar las pruebas presentadas por el gobierno, de oponerse, con base en los razonamientos legales pertinentes, a la admisión de pruebas y de interrogar a cualquier testigo del gobierno. Todo documento que presente en un idioma extranjero debe ir acompañado de una traducción certificada al inglés. Será responsabilidad suya asegurarse de que cualquier testigo suyo comparezca a la audiencia.

El juez de inmigración le informará sobre los recursos de deportación a los que tenga derecho y se le dará una oportunidad adecuada para solicitarlos. Si no está de acuerdo con la decisión del juez, puede apelarla. El juez de inmigración le informará acerca de sus derechos de apelación.

U.S. Department of Justice
Immigration and Naturalization Service

Order to Show Cause and Notice of Hearing

Dated September 4, 1996

(Fecha)

Respondent DIAZ-MEJIA, Miguel Angel

Demandado)

File No. A 38013264

(No. de registro)

AND on the basis of the foregoing allegations, it is charged that you are subject to deportation pursuant to the following provision(s) of law:

(Y según alegatos anteriores, se le acusa de estar sujeto a deportación de acuerdo con la(s) siguiente(s) disposición(es) de la ley:)

Section 241(a) (2) (B) (i) of the Immigration and Nationality Act (Act), as amended, in that, at any time after entry, you have been convicted of a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802), other than a single offense involving possession for one's own use of 30 grams or less of marijuana.

Sección 241(a) (2) (B) (i) de la Ley de Inmigración y Nacionalidad (INA), según enmendada, en que, en algún momento después de su entrada, Ud. ha resultado convicto de una violación de (o una conspiración o intento de violación) de alguna ley o reglamentación de un Estado, de los Estados Unidos, de un país extranjero referente a una sustancia controlada [según se define en la sección 102 de la Ley de Sustancias Controladas, 21 U.S.C. 802], con excepción de un delito sencillo en relación a la posesión de 30 gramos o menos de marihuana para uso personal.)

Section 241(a) (2) (A) (iii) of the Immigration and Nationality Act (Act), as amended, in that, at any time after entry, you have been convicted of an aggravated felony as defined in section 101(a) (43) of the Act.

Sección 241(a) (2) (A) (iii) de la Ley de Inmigración y Nacionalidad (INA), según enmendada, en que, en algún momento después de su entrada, Ud. ha resultado convicto de una felonía agravada, según se define en la sección 101(a) (43) de la INA.)

8/5/97
WHEREFORE, YOU ARE ORDERED to appear for a hearing before an Immigration Judge of the Executive Office for Immigration Review of the United States Department of Justice at:

(POR LO CUAL, SE LE ORDENA comparecer ante un juez de inmigración de la Oficina Ejecutiva de Revisión de Inmigración del Departamento de Justicia de los Estados Unidos en:)

Address La oficina del juez de inmigración enviará un aviso a la dirección facilitada por el demandado con

Dirección)

On la fecha de la audiencia. To be calendared and notice sent by EOIR

(Fecha)

At _____ .m.

(Hora)

and show cause why you should not be deported from the United States on the charge(s) set forth above.

(mostrar motivos justificantes por cual no debería ser deportado de los Estados Unidos por los cargos expresados anteriormente)

Dated September 4, 1996

(Fecha)

Signature of Issuing Officer

(Firma del funcionario que la expide)

000157

City and State of Issuance Boston, Massachusetts

Ciudad y Estados donde se expide)

Title of Issuing Officer Assistant District Director for INV

(Título del funcionario que la expide)

881000

You are required to be present at your deportation hearing prepared to proceed. If you fail to appear at any hearing after having been given written notice of the date, time and location of your hearing, you will be ordered deported *in your absence*, if it is established that you are deportable and you have been provided the appropriate notice of the hearing.

You are required by law to provide immediately in writing an address (and telephone number, if any) where you can be contacted. You are required to provide written notice, within five (5) days, of any change in your address or telephone number to the office of the Immigration Judge listed in this notice. Any notices will be mailed only to the last address provided by you. If you are represented, notice will be sent to your representative. If you fail to appear at the scheduled deportation hearing, you will be ordered deported *in your absence* if it is established that you are deportable and you have been provided the appropriate notice of the hearing.

If you are ordered deported *in your absence*, you cannot seek to have that order rescinded except that: (a) you may file a motion to reopen the hearing within 180 days after the date of the order if you are able to show that your failure to appear was because of exceptional circumstances, or (b) you may file a motion to reopen at any time after the date of the order if you can show that you did not receive written notice of your hearing and you had provided your address and telephone number (or any changes of your address or telephone number) as required, or that you were incarcerated and did not appear at your hearing through no fault of your own. If you choose to seek judicial review of a deportation order entered *in your absence*, you must file the petition for review within 60 days (30 days if you are convicted of an aggravated felony) after the date of the final order, and the review shall be confined to the issues of validity of the notice provided to you, the reasons for your failure to appear at your hearing, and whether the government established that you are deportable.

In addition to the above, if you are ordered deported *in your absence*, you are ineligible for five (5) years from the date of the final order for the following relief from deportation: voluntary departure under section 242 (b) of the Immigration and Nationality Act (INA); suspension of deportation or voluntary departure under section 244 of the INA; and adjustment of status under sections 245, 248, and 249 of the INA.

The copy of this Order to Show Cause served upon you is evidence of your alien registration while you are under deportation proceedings. The law requires that you carry it with you at all times.

Está obligado a asistir a la audiencia de deportación y de estar preparado para ella. Si no asiste a cualquiera de las audiencias después de haber sido notificado por escrito de la fecha, hora y lugar de la audiencia, se ordenará su deportación *en su ausencia*, si se establece que puede ser deportado y que recibió los avisos correspondientes.

La ley le obliga a informar inmediatamente por escrito de su domicilio (y número de teléfono, de haberlo) donde pueda ser localizado. Tiene la obligación de notificar por escrito, en el plazo de cinco (5) días, cualquier cambio de domicilio o de teléfono a la oficina del juez de inmigración que aparece en este aviso. Los avisos se enviarán solamente a la última dirección facilitada por Ud. Si ha decidido tener un representante, se enviarán los avisos a dicha persona. Si no asiste a cualquiera de las audiencias después de haber sido notificado por escrito de la fecha, hora y lugar de las mismas, se ordenará su deportación *en su ausencia*, si se establece que puede ser deportado y que recibió el aviso de la audiencia.

Si se ordena su deportación *en su ausencia*, no podrá solicitar la anulación de esa orden salvo que: a) pueda presentar un pedimento para tener otra audiencia en el plazo de 180 días después de la fecha de la orden si puede demostrar que no compareció debido a circunstancias excepcionales, o b) puede presentar un pedimento para tener otra audiencia en cualquier momento después de la fecha de la orden si puede demostrar que no recibió el aviso de la audiencia por escrito y que había facilitado su dirección y número de teléfono (o notificado los cambios de dirección o número de teléfono) según lo previsto, o que estaba encarcelado y no compareció a la audiencia por motivos ajenos a su voluntad. Si decide solicitar una revisión judicial de la orden de deportación *en su ausencia*, debe presentar la solicitud de revisión en el plazo de 60 días (30 días si ha sido condenado por un delito grave con agravantes) a partir de la fecha de la orden definitiva, y la revisión se limitará a decidir si el aviso que recibió es válido, las razones por las cuales no compareció a la audiencia y si el gobierno demostró que puede ser deportado.

Además de lo anterior, si se ordena su deportación *en su ausencia*, no podrá, en el plazo de cinco años después de la fecha de la orden definitiva, tener derecho a los siguientes recursos: salida voluntaria según la sección 242 (b) de la ley de Inmigración y Nacionalidad (INA); suspensión de la deportación o de la salida voluntaria según la sección 244 de la INA, y ajuste de condición según las secciones 245, 248, y 249 de la INA.

Esta copia de la Orden de Presentar Motivos Justificantes que le ha sido notificado constituye la prueba de su registro de extranjero mientras se llevan a cabo los trámites para su deportación. La ley le exige que la lleve consigo en todo momento.

This Order to Show Cause shall be filed with the Immigration Judge of the Executive Office for Immigration Review at the address provided below. You must report any changes of your address or telephone number in writing to this office:

Esta Orden de Presentar Motivos Justificantes será registrada con la Oficina Ejecutiva de Revisión de Inmigración en la siguiente dirección. Debe notificar cualquier cambio de su domicilio o número de teléfono por escrito a:

The Office of the Immigration

JFK Federal Building

Government Center

Boston, MA 02203

Certificate of Translation and Oral Notice

This Order to Show Cause ☐ was ☒ was not read to the named alien in the Spanish language, which is his/her native language or a language which he/she understands.

Date

Signature

Printed Name and Title of Translator

Address of Translator (if other than INS employee) or office location and division (if INS employee)

No Translator Available explain in English/Spanish
If oral notice was not provided please explain

Manner of Service

- ☒ Personal Service to Alien
☐ Certified Mail - Return Receipt Requested
☐ Alien
☐ Counsel of Record

Alien's INDEX
Right Thumb Print



Certificate of Service

This Order to Show Cause was served by me at MCJ Concord on Sept 26 1996 at 9:30 A m.

Elizabeth P. Polset
Officer's Signature

Elizabeth P. Polset
Printed Name

Special Agent/BOS
Title

Office

Ximenes A. Diaz
Alien's Signature (acknowledgement/receipt of this form)
(Firma de extranjero/acuse de recibo)

I-618 SERVED
FREE LEGAL SERVICES
LIST FURNISHED

Request for Prompt Hearing and Waiver of 14-Day Minimum Period (Solicitud de audiencia inmediata y renuncia al plazo mínimo de 14 días)

To expediate determination of my case, I request an immediate hearing, and waive my right to the 14 day notice.
(Para agilizar la decisión sobre mi caso, solicito una audiencia inmediata y renuncio a mi derecho a un plazo mínimo de 14 días.)

000159

Signature

(Firma de demandado)

Form I-221 (Rev. 6/12/92) N

Date

(Fecha)

BRISTOL, SS. On this twenty-seventh day of July
in the year nineteen hundred and ninety, -four this indictment was returned and
presented to said Superior Court by the Grand Jury and ordered to be filed and filed.

Attest:

Marcel L. Gauthier Clerk/Magistrate

DTF - BO

No. 34818

(Goetz)

Commonwealth's motion to place cases on
file pending apprehension and allowed.
Aug. 18, 1995 (Steele, J.) PRA kan

Def't ordered HELD WITHOUT BAIL - Nov. 14,
1995 - (Doerfer, J.) MWG/hlm

INDICTMENT

Retracts and Pleads Guilty - July 8, 1995
MJS/hlm

Commonwealth

vs.

MIGUEL DIAZ

(New Bedford)

Findings on Plea of Guilty - July 8, 1995
(Steele, J.) MJS/hlm

Sentenced to Massachusetts Correctional
Institution, Cedar Junction for the term
of not more than five (5) years not less
than three (3) years; Def't. advised of
his right to appeal to the Appellate Div
of the Superior Court for a review of
sentence; Def't. ordered to pay \$50.00
to the Victim Witness Assistance Fund;
the Court on imposing said sentence orde
that the Def't. be deemed to have served
274 - days of said sentence. - July 8,
1996 (Steele, J.) MJS/hlm

*Will George - so much
just placed Trust B"
in excess of 14 years.
the exchange for defendants
plea of guilty.*

ADA B. H. 8/5

7/9/96

000144

TRAFFICKING CL B 94C/32E(b) (3)

Sup. C. July Sitting 1994

Pleads not Guilty. Aug 30, 1994-PFL

Cont on same bail, namely \$4,500 cash
with Maribel Castro surety. Aug 26, 1994
PFL

Defendant Defaulted and Capias Ordered
and Issued - Jan. 30, 1995 (Steele, J.) MWG

For Commonwealth Robert Goodale, A.D.A.

For Defendant

Lance Garth
26 Seventh St
New Bedford, MA 02740
(508) 999-6414
Frank Kelleher, Esq.
294 Washington St.
Boston, MA 02108
(617) 357-7000

TRAFFICKING CL B

94C/32E(b) (1) Kdb

1.) Entered

Distr. Cr.

- July 27, 1994 Recognized in the amount of \$4,500. cash with Maribel Castro as surety, received from the Third District Court (dla) (Kdb)
- Aug. 23, 1994 2) Summons mailed to the deft at 396 Shaw St., New Bedford, MA to appear at the New Bedford Superior Court on Friday, August 19, 1994 at 9:30 a.m. was not returned by August 19, 1994.
- Aug 30, 1994 3) Appearance of Lance Garth, Attorney for the deft. cf
- Aug 30, 1994 Pleads not Guilty-PFL/cf
- Aug 30, 1994 Continued on same bail, namely \$4,500 cash with Maribel Castro Surety.-PFL/cf
- Sept 23, 1994 4) Conference report filed. cf
- Oct. 6, 1994 5) Deft's Motion for non Suggestive Identification Procedure (dla)
- Oct. 12, 1994 6) Deft's motion for statement of witnesses concerning the identification of the witness and allowed by agreement. Valerie A. Brodeur, Asst. Clerk/Magistrate - kan
- Jan. 30, 1995 7) Defendant Defaulted and Capias Ordered and Issued. (Steele, J.) MWG lmc
- Feb. 3, 1995 8) Deft's Motion to Dismiss and Affidavit in support. lmc
- Feb. 3, 1995 9) Deft's Motion for Disclosure of Identification Procedures. lmc
- Feb. 13, 1995 10) Commonwealth's Motion for Forfeiture of Bail - ALLOWED. (Steele, J.) MWG c/c (dg)
- Feb. 13, 1995 11) ORDER FOR FORFEITURE OF BAIL: It is hereby ordered that the sum of \$4,500.00 (Four Thousand, Five Hundred Dollars), cash bail, posted by Maribel Castro of 511 W. 139th Street, New York, New York, be forfeited and paid over to the State Treasurer. Commonwealth of Massachusetts. Pursuant to General

000145

b. 28, 1995	
. 18, 1995	Check #1563 of the Boston Safe Deposit Bank and Trust Company mailed to the State Treasury includes \$4,500.00 cash bail with Maribel Castro, as surety. (10601)
. 14, 1995	Commonwealth's motion to place cases on file pending apprehension and Allowed. - (Steele, J) PRA kan (vide 32941 #3)
. 14, 1995	Action Brought Forward. - (Doerfer, J.) MWG/hlm
. 14, 1995	Deft Ordered HELD WITHOUT BAIL. (Doerfer, J.) MWG/hlm
. 14, 1995	Mittimus Issued.
. 14, 1995	Duplicate Mittimus Issued. (original lost by transportation)
. 17, 1995	Mittimus (12) returned with service. ma
. 17, 1995	Duplicate Mittimus (13) returned without service. ma
. 27, 1995	Habeas Corpus ordered and issued for the appearance of the deft. at New Bedford Superior Court on Tuesday, November 28, 1995 at 9:30 a.m. (Doerfer, J.) MWG/ma
. 28, 1995	Habeas Corpus (14) returned without service. ma
. 30, 1995	Habeas Corpus ordered and issued for the appearance of the deft. at New Bedford Superior Court on Monday, December 4, 1995 at 9:30 a.m. (Doerfer, J.) MWG/ma
. 4, 1995	Habeas Corpus ordered and issued for the appearance of the deft. at New Bedford Superior Court on Tuesday, December 19, 1995 at 9:30 a.m. (Doerfer, J.) MWG/ma
. 8, 1995	Motion for Lance J. Garth, Attorney for deft. to Withdraw. ma
. 11, 1995	Habeas Corpus (15) returned with service. ma
. 19, 1995	Habeas Corpus (16) returned without service. ma
an. 12, 1995	Notice of Appearance of Frank G. Kelleher, Attorney for the Deft. cf
ch 27, 1996	Deft.'s Motion for Reconsideration of Bail - DENIED. (Steele, J.) MWG (Copies to counsel) (dg)
11 2, 1996.	Habeas Corpus ordered and issued for the appearance of the Deft. at the New Bedford Superior Court on Wednesday, April 17, 1996 at 9:30 a.m. (dg)

Commonwealth
of
Massachusetts
25c 241

BRISOL SS.
Superior Court for
Criminal Business
DOCKET

Page 2

COMMONWEALTH vs. MIGUEL DIAZ

FOR COMMONWEALTH

FOR DEFENDANT

NO. 34818

000147

April 22, 1996

Habeas Corpus #21 returned with service. cf

DIST. CT.

June 19, 1996

22) Commonwealth's list of Prospective Witnesses. nm

June 21, 1996

23) Defendant's Motion for Continuance, Allowed. Trial continued to June 26, 1996. (Steele, J.) VAB/hlm

July 1, 1996

Oral Motion of Attorney Frank Kelleher to withdraw, denied. (Steele, J.) PRA/ma

July 1, 1996

24) Habeas Corpus ordered and issued for the appearance of the deft. at New Bedford Superior Court on Monday, July 8, 1996 at 9:30 a.m. (Steele, J.) PRA/ma

July 8, 1996

Nolle Prossed so much of the within Indictment which Alleges More than Trafficking Class B 94C/32E(b)(1). (Bernard Murphy, Asst. District Attorney)

July 8, 1996

Retracts and Pleads Guilty - MJS/hlm

July 8, 1996

25) Findings on Plea of Guilty (Steele, J.) MJS/hlm

July 8, 1996

Sentenced to Massachusetts Correctional Institution, Cedar Junction for the term of not more than five (5) years nor less than three (3) years; Deft. advised of his right to appeal to the Appellate Division of the Superior Court for a review of sentence; Deft. ordered to pay \$50.00 to the Victim Witness Assis Fund; the Court on imposing said sentence ordered that the Deft. be deemed to have served - 274 - days of said sentence. (Steele, J.) MJS/hlm

July 8, 1996

26) Warrant Issued; Superintendent commanded to withdraw the first fifty (\$50.00) dollars from defendant's savings or personal account to pay to Court the Victim Witness Assessment.

July 8, 1996

Notice Sent to Mass State Police.